

MONDAY, JANUARY 28, 1991

SECOND LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Bob Kelly, Franklin Road Baptist Church, Murfreesboro, Tennessee.

Representative Mike Liles led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Bell; due to out-of-state commitment.

MESSAGE FROM THE SENATE
January 23, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14,

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- (4) ~~Labour and Consumer Affairs~~ **CONSUMER AND EMPLOYEE AFFAIRS**
- (5) Education
- (6) Finance, Ways and Means
- (7) Government Operations
- (8) ~~General Welfare~~ **HEALTH AND HUMAN RESOURCES**
- (9) Judiciary
- (10) State and Local Government
- (11) Transportation

Provided, however, the Speaker Pro Tempore shall only vote when the Speaker is not present and voting, except on those two (2) standing committees to which the Speaker Pro Tempore has been regularly assigned.

There shall be a committee on Calendar and Rules to be composed of the Speaker, the Speaker Pro Tempore, the Majority Leader or such leader's designee, the Majority Caucus Chair, the Minority Leader or such leader's designee, the Minority Caucus Chair, a member of the majority and minority parties appointed by and to serve at the pleasure of the Speaker, one (1) chair, one (1) vice chair, and one (1) secretary appointed by the Speaker under House Rule 7; and the chair, vice chair, and secretary of each standing committee listed above. It shall set the calendar and establish hours and places of meeting of the various standing committees. In establishing the hours and places of meeting of the various standing committees, the Committee on Calendar and Rules shall, insofar as possible, establish regular meeting times and days which shall avoid conflict among the various standing committees. No standing committee shall have more than thirty (30) appointed members. No member shall serve on more than two (2) standing committees, exclusive of the Committee on Calendar and Rules, the Joint Legislative Services Committee, and the Fiscal Review Committee, except the Speaker and the Speaker Pro Tempore who shall be voting members of all standing committees.

75. CHANGE AND SUSPENSION OF RULES. The rules of the House may be altered, amended, or suspended by a two-thirds (2/3) vote of the members to which the House is entitled; but a motion to alter or amend, but not suspend, the rules shall in all cases lie over one (1) day. This rule (Rule 75) may not be suspended on motion to alter, amend, or suspend the rules. A motion to suspend the rules shall be for a stated purpose and subsequent suspension of the rules shall be limited to that stated purpose.

78. ACTION ON BILLS INTRODUCED AFTER 10th DAY. All general bills introduced after the tenth (10th) legislative day the House convenes for the transaction of business in any regular legislative session shall be referred by the Speaker to the appropriate committee; there to be held for the remainder of the session unless a bill be called for by a two-thirds (2/3) majority of the members to which the body is entitled under the Constitution, in which case it shall be placed in the next available position on a calendar for a succeeding day. Should such a bill be recalled from committee in

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Passed first consideration.

***House Bill No. 0160** -- Sunset Laws -- Extends termination date of board of chiropractic examiners. Amends TCA, Title 27, Ch. 9; Title 63, Ch. 4; Title 68, Chs. 1, 23. by *King, *Garrett, *Kernell.

Passed first consideration.

***House Bill No. 0161** -- Sunset Laws -- Extends termination date of sentencing commission. Amends TCA, Title 4, Ch. 29; Title 40, Chs. 34, 35, 37; Title 41, Ch. 21. by *King, *Garrett, *Kernell.

Passed first consideration.

***House Bill No. 0162** -- Sunset Laws -- Terminates Ladies' Hermitage Association, board of trustees. Amends TCA, Title 4, Ch. 29. by *King, *Garrett, *Kernell.

Passed first consideration.

***House Bill No. 0163** -- Sunset Laws -- Extends termination date of board of examiners in psychology. Amends TCA, Title 4, Ch. 29; Title 27, Ch. 9; Title 63, Ch. 11; Title 68, Ch. 1. by *King, *Garrett, *Kernell.

Passed first consideration.

***House Bill No. 0164** -- Sunset Laws -- Extends termination date of alcoholic beverage commission. Amends TCA, Title 4, Ch. 29; Title 8, Ch. 50; Title 12, Ch. 2; Title 47, Ch. 18; Title 53, Ch. 1; Title 57; Title 60, Ch. 4; Title 62, Ch. 33; Title 67, Ch. 4. by *King, *Garrett, *Kernell.

Passed first consideration.

***House Bill No. 0165** -- Sunset Laws -- Extends termination date of board of nursing. Amends TCA, Title 4, Ch. 29; Title 49, Ch. 4; Title 63, Chs. 1, 7, 8, 22; Title 68, Ch. 1. by *King, *Garrett, *Kernell.

Passed first consideration.

***House Bill No. 0166** -- Sunset Laws -- Extends termination date of Tennessee medical laboratory board. Amends TCA, Title 4, Ch. 29; Title 68, Ch. 29. by *King, *Garrett, *Kernell.

Passed first consideration.

***House Bill No. 0167** -- Agriculture -- Creates certain position in agricultural extension service in Bedford County. by *Phillips.

Passed first consideration.

***House Bill No. 0168** -- Appropriations -- Appropriates funds to

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provide wheelchair vans for certain counties. by *Rhinehart.

Passed first consideration.

House Bill No. 0169 -- Taxes, Real Property -- Increases annual income limitation for payment of funds to certain low income taxpayers for property tax payment. Amends TCA, Title 67, Ch. 5. by *Davidson, *Wix.

Passed first consideration.

House Bill No. 0170 -- Utilities, Utility Districts -- Permits damages for fraudulent use of any utility. Amends TCA 65-35-104. by *Rhinehart.

Passed first consideration.

***House Bill No. 0171** -- Assessors -- Requires certain records for assessors in counties without building permits. Amends TCA 67-5-603. by *Rhinehart.

Passed first consideration.

***House Bill No. 0172** -- Game and Fish Laws -- Authorizes entry onto land of another for certain purposes. Amends TCA, Title 39, Ch. 14, Pt. 4, 70-4-106. by *Phillips.

Passed first consideration.

***House Bill No. 0173** -- Game and Fish Laws -- Requires hunting by written permission to apply only to big game. Amends TCA 70-4-106. by *Phillips.

Passed first consideration.

House Bill No. 0174 -- Civil Service -- Authorizes preference points for veterans, including members of the reserve components, for military service during Operation Desert Shield or Operation Desert Storm. Amends TCA, Title 8, Ch. 30, Pt. 3. by *Hillis.

Passed first consideration.

House Bill No. 0175 -- Private Investigators -- Establishes maximum licensure fee for private investigators; repeals minimum insurance requirements. Amends TCA, Title 62, Ch. 26, Pt. 2. by *Ferguson.

Passed first consideration.

***House Bill No. 0176** -- Hospitals and Health Care Facilities -- Exempts certain health care facilities from certificate of need requirements under certain circumstances. Amends TCA 68-11-106. by *Bragg, *Robinson Robb.

Passed first consideration.

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House Bill No. 0177 -- Mason -- Changes manner of electing city recorder. Amends Chapter 120, Private Acts of 1915, as amended. by *Naifeh.

Passed first consideration.

***House Bill No. 0178** -- Public Service Commission -- Increases notice requirements to public utilities for hearings on granting certain certificates. Amends TCA, Title 65. by *Robinson Robb.

Passed first consideration.

House Bill No. 0179 -- White County -- Abolishes county highway department and commissioners. Repeals Chapter 15, Private Acts of 1987, as amended. Repeals TCA, Title , Chs. 15, 135. by *Hillis.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 0072 -- Noise Pollution -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0073** -- Public Property -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0074** -- Parks, Natural Areas Preservation -- Passed second consideration and referred to the Conservation and Environment Committee.

***House Bill No. 0075** -- Public Records -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0076** -- Public Funds and Financing -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0077** -- Public Officials -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0078** -- Metropolitan Government -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0079** -- Municipal Government -- Passed second consideration and referred to the State and Local Government Committee.

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***House Bill No. 0080** -- County Government -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0081** -- General Assembly -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0082** -- State Government -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0083** -- Statutes -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0084** -- Solid Waste Disposal -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0085** -- Election Laws -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0086** -- Constitutional Conventions -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0087** -- Limitation of Actions -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0088** -- Appeal and Review -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0089** -- Courts, Chancery -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0090** -- Judgments -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0091** -- Evidence -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0092** -- Attorneys at Law -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0093** -- Civil Procedure -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0094** -- Civil Procedure -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0095** -- Judicial Officers -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0096** -- Judges and Chancellors -- Passed second consideration and referred to the Judiciary Committee.

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***House Bill No. 0097** -- Courts -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0098** -- Holidays -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0099** -- Taxes -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0100** -- Highways, Roads and Bridges -- Passed second consideration and referred to the Transportation Committee.

***House Bill No. 0101** -- Corporations, Not for Profit -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0102** -- Insurance Companies, Agents, Brokers -- Passed second consideration and referred to the Commerce Committee.

***House Bill No. 0103** -- Motor Vehicles -- Passed second consideration and referred to the Transportation Committee.

***House Bill No. 0104** -- Criminal Procedure -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0105** -- Food and Food Products -- Passed second consideration and referred to the General Welfare Committee.

***House Bill No. 0106** -- Criminal Offenses -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0107** -- Criminal Offenses -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0108** -- Children -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0109** -- Fiduciaries -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0110** -- Fiduciaries -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0111** -- Education -- Passed second consideration and referred to the Education Committee.

***House Bill No. 0112** -- Consumer Protection -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0113** -- Cemeteries -- Passed second consideration and referred to the Labor and Consumer Affairs Committee.

***House Bill No. 0114** -- Banks and Financial Institutions -- Passed second consideration and referred to the Commerce Committee.

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***House Bill No. 0115 -- Civil Defense --** Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0116 -- Energy --** Passed second consideration and referred to the Conservation and Environment Committee.

***House Bill No. 0117 -- Partnerships --** Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0118 -- Professions and Occupations --** Passed second consideration and referred to the Commerce Committee.

***House Bill No. 0119 -- Optometry --** Passed second consideration and referred to the General Welfare Committee.

***House Bill No. 0120 -- Water Resources --** Passed second consideration and referred to the Conservation and Environment Committee.

***House Bill No. 0121 -- Utilities, Utility Districts --** Passed second consideration and referred to the Commerce Committee.

***House Bill No. 0122 -- Real Property --** Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0123 -- Health --** Passed second consideration and referred to the General Welfare Committee.

***House Bill No. 0124 -- Waterways, Navigable --** Passed second consideration and referred to the Conservation and Environment Committee.

***House Bill No. 0125 -- Wildlife Resources Commission --** Passed second consideration and referred to the Conservation and Environment Committee.

***House Bill No. 0126 -- Welfare --** Passed second consideration and referred to the General Welfare Committee.

***House Bill No. 0127 -- Employees, Employers --** Passed second consideration and referred to the Labor and Consumer Affairs Committee.

***House Bill No. 0128 -- Alcoholic Beverages --** Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0129 -- Penal and Reformatory Institutions --** Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0130 -- Aircraft and Airports --** Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0131 -- Agriculture --** Passed second

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consideration and referred to the Agriculture Committee.

***House Bill No. 0132 -- Mines, Mining --** Passed second consideration and referred to the Conservation and Environment Committee.

House Bill No. 0133 -- Litter Control -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0134 -- Governmental Reorganization --** Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0135 -- Taxes --** Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0136 -- Governmental Reorganization --** Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0137 -- Transportation, Dept. of --** Passed second consideration and referred to the Transportation Committee.

***House Bill No. 0138 -- Education --** Passed second consideration and referred to the Education Committee.

***House Bill No. 0139 -- Taxes, Sales --** Passed second consideration and referred to the Commerce Committee.

***House Bill No. 0140 -- Transportation, Dept. of --** Passed second consideration and referred to the Transportation Committee.

***House Bill No. 0141 -- Tort Liability --** Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0142 -- Bond Issues --** Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 0143 -- Criminal Offenses --** Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0144 -- Medicare and Medicaid --** Passed second consideration and referred to the General Welfare Committee.

***House Bill No. 0145 -- Environmental Preservation --** Passed second consideration and referred to the General Welfare Committee.

***House Bill No. 0146 -- Insurance Companies, Agents, Brokers --** Passed second consideration and referred to the Commerce Committee.

***House Bill No. 0147 -- Banks and Financial Institutions --** Passed second consideration and referred to the Commerce Committee.

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***House Bill No. 0148** -- Charitable Solicitations -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 0149 -- Education -- Passed second consideration and referred to the Education Committee.

House Bill No. 0150 -- Williamson County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

***House Bill No. 0151** -- Highway Signs -- Passed second consideration and referred to the Transportation Committee.

***House Bill No. 0152** -- Military -- Passed second consideration and referred to the State and Local Government Committee.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 176: Rep(s). Rhinehart and West as prime sponsor(s).

REPORTS OF SELECT COMMITTEES

Rep. Purcell announced that, pursuant to **Rule No. 75**, the Select Committee on Rules has met, has spread its report on the members' desks, and will make a recommendation Wednesday relative to change in the rules.

REPORT OF THE SELECT COMMITTEE ON RULES

MR. SPEAKER: Your Select Committee on Rules reports that we have met and recommend the following amendments to the Temporary Rules of the House of Representatives, which Rules should then be adopted as the Permanent Rules of the House of Representatives of the 97th General Assembly. (Additions are indicated in bold, capital letters; deletions are noted by a strike thru.)

2. SPEAKER TO PRESERVE ORDER. The Speaker shall preserve order and decorum and may speak to points of order in preference to other members. **THE SPEAKER WILL HAVE THE AUTHORITY TO SET THE GUIDELINES FOR DECORUM.**

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9. CHIEF CLERK. There shall be a Chief Clerk of the House of Representatives who shall be ~~elected for a term of two (2) years and~~ **APPOINTED BY THE SPEAKER AND** who shall serve until a successor is chosen. The Chief Clerk shall keep open the Office of the Clerk during and between sessions of the General Assembly on a permanent basis and shall transact efficiently such business as is assigned or required by law or rules of the House, both during and between sessions. The Chief Clerk shall take an oath to support the Constitution of the United States and of the State of Tennessee and to truly and faithfully discharge the duties of the office to the best of such clerk's knowledge and ability.

12. ORDER OF BUSINESS. The reading of the daily Journal for the preceding day shall not be required; provided, however, that upon appropriate motions, the House may direct that the same be read. Any corrections in the Journal shall be suggested by individual members under the order of Unfinished Business.

After appropriate opening ceremonies, the Speaker shall call for the following:

- (1) Roll Call
- (2) **PERSONAL ORDERS**
- (3) Calendars
- (4) Unfinished Business
- (5) Announcements
- (6) Introduction of Resolutions
- (7) Senate Joint Resolutions
(Congratulatory, Memorializing)
- (8) Resolutions Lying Over
- (9) Introduction of Bills
- (10) Senate Bills on First Consideration
- (11) Senate Bills on Second Consideration
- (12) House Bills on Second Consideration
- (13) Petitions and Memorials
- (14) Reports from Standing Committees
- (15) Reports from Select Committees
- (16) Roll Call

36. PREVIOUS QUESTION. The previous question ~~shall be put in this form: "SHALL THE MAIN QUESTION BE NOW PUT?"~~ *It shall only be admitted when demanded by two-thirds (2/3) of the members present; and if the call is made and sustained, its effects shall be to preclude all future amendments and terminate all debate; but it may be applied to the main question, or to the main question and amendment to the amendment, and shall bring the House to a direct vote on the question in the order in which they stand and from the point where the call was applied; but in all debates upon resolutions or bills immediately prior to their final passage on third reading, the mover or author of the resolution or bill shall have the right to close the debate thereon, and no call for the previous question shall cut off this right in the mover, or author, of the measure; provided, however, when the demand for the previous question has been made and rejected under the foregoing provision,*

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but having received a majority vote of the members of the House, it shall be in order, upon the demand of any five (5) members of the House, for the Committee on Calendar and Rules to meet and fix or limit the time in which debate on said question shall be closed, which decision shall be binding upon all membership of the House.

39. WHEN BILL OR RESOLUTION FAILS TO RECEIVE CONSTITUTIONAL MAJORITY. When any bill or resolution is voted upon, but fails to receive a constitutional majority, the same shall be automatically re-referred to the Committee on Calendar and Rules. Any bill so re-referred during the final seven (7) days of the session shall not be again placed on the calendar for consideration during that session unless called for by a favorable vote of two-thirds (2/3) of the members to which the House is entitled under the Constitution, in which case it shall be placed in the next available position on the calendar for a succeeding day. However, no bill or resolution may be voted on more than twice during ~~the session~~ **THIS** General Assembly.

50. CONSENT CALENDAR. Any bills or resolutions which are not controversial in nature shall be placed on a Consent Calendar by the officers of the Committee on Calendar and Rules. The Consent Calendar shall be printed and posted in a regular place in the House Chamber at least seventy-two (72) hours in advance of the time for such consideration.

Any member may object to a bill or resolution on the Consent Calendar and if objection is raised, the bill or resolution shall be removed from the Consent Calendar and placed at the foot of the regular calendar for consideration on the day following removal from the Consent Calendar; provided, however, that any bill or resolution objected to and removed from the Consent Calendar on the final day of a session shall be placed at the foot of the regular calendar on that day.

Upon a motion for passage of the Consent Calendar pursuant to Rule 50, the ~~following~~ **APPROPRIATE** language shall be spread in the Journal:

"all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in."

65. STANDING COMMITTEES. There shall be the following standing committees, each of which the Speaker and the Speaker Pro Tempore shall be voting members, to wit:

- (1) Agriculture
- (2) Commerce
- (3) Conservation and Environment

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House Joint Resolution No. 0026 -- Memorials, Death -- Dr. John B. Dicks, Jr. by *Hillis.

Referred by the Speaker to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 0153 -- Sunset Laws -- Extends termination date of board of examiners of speech pathology and audiology. Amends TCA, Title 4, Ch. 29; Title 63, Ch. 17; Title 68, Ch. 1. by *King, *Garrett, *Kernell.**

Passed first consideration.

***House Bill No. 0154 -- Sunset Laws -- Extends termination date of board of ground water resources. Amends TCA, Title 4, Ch. 29; Title 69, Ch. 11. by *King, *Garrett, *Kernell.**

Passed first consideration.

***House Bill No. 0155 -- Sunset Laws -- Extends termination date of public service commission. Amends TCA, Title 4, Ch. 29; Title 65. by *King, *Garrett, *Kernell.**

Passed first consideration.

***House Bill No. 0156 -- Sunset Laws -- Extends termination date of enterprise zone management board. Amends TCA, Title 4, Ch. 13; Title 13, Ch. 28. by *King, *Garrett, *Kernell.**

Passed first consideration.

***House Bill No. 0157 -- Sunset Laws -- Extends termination date of state board of examiners for registered professional environmentalists. Amends TCA, Title 4, Ch. 29; Title 62, Ch. 17; Title 68, Ch. 1. by *King, *Garrett, *Kernell.**

Passed first consideration.

***House Bill No. 0158 -- Sunset Laws -- Extends termination date of board of dentistry. Amends TCA, Title 4, Ch. 29; Title 27, Ch. 9; Title 63, Ch. 5; Title 68, Chs. 1, 11, 23. by *King, *Garrett, *Kernell.**

Passed first consideration.

***House Bill No. 0159 -- Sunset Laws -- Extends termination date of board of veterinary medical examiners. Amends TCA, Title 4, Ch. 29; Title 44, Ch. 2; Title 63, Ch. 12; Title 68, Chs. 1, 8. by *King, *Garrett, *Kernell.**

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the manner provided above on the final day of a session; it shall then be placed at the foot of the calendar on that day.

The provisions of the preceding paragraph governing bills introduced after the tenth (10th) legislative day may be waived with respect to a general bill of local application which has the support of the local delegation adequate to meet the requirements of the local unit rule on file with the Chief Clerk of the House of a bill to correct a typographical error in an earlier bill or an earlier enactment by unanimous consent of the Committee on Delayed Bills composed of the Speaker, the Majority Leader and the Minority Leader. After a bill has received the unanimous consent of the Delayed Bills Committee and has been introduced and has passed second consideration in accordance with the Constitution of the State of Tennessee and with the Rules of Order of the House of Representatives, such a bill shall be referred by the Speaker to the appropriate committee as required by Rule No. 47.

The committee shall meet at the call of the Speaker.

RULE 78. ANY GENERAL BILL INTRODUCED AFTER THE TENTH (10TH) LEGISLATIVE DAY THE HOUSE CONVENES FOR THE TRANSACTION OF BUSINESS IN ANY REGULAR LEGISLATIVE SESSION, SHALL BE PREFILED FOR INTRODUCTION AND REFERRED TO THE DELAYED BILLS COMMITTEE. IF APPROVED BY UNANIMOUS CONSENT OF THE DELAYED BILLS COMMITTEE, THE BILL SHALL BE INTRODUCED.

ANY BILL PREFILED BUT NOT RECEIVING UNANIMOUS CONSENT OF THE DELAYED BILLS COMMITTEE may be called for by a two-thirds (2/3) majority of the members to which the body is entitled under the Constitution, in which case it shall be introduced.

The Delayed Bills Committee shall consist of the Speaker, the Majority Leader and the Minority Leader and shall meet at the call of the Speaker.

COMMITTEE RULES

of the

HOUSE OF REPRESENTATIVES

81. UNIFORM RULES OF COMMITTEES.

(1) The Chair, after advising with the vice chair and secretary, shall set the calendars for hearings before the standing committee, taking into consideration the necessity and importance of the legislation before the committee. Those bills and resolutions requested by the sponsors to go on the calendars shall first be placed on the calendars, provided that the chair, after advising with the vice chair and secretary, shall set the calendar for hearings on a reasonable number of bills or resolutions at each committee meeting. The requests by sponsors for their bills to be heard in the standing committees shall be filed with the standing

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committee OR SUBCOMMITTEE as soon as practicable, but not later than 3:00 p.m. 2:00 P.M. (CST) on the Wednesday preceding the next regularly scheduled meeting of the standing committee. The chair, after advising with the vice chair and secretary, shall have the authority to set on the calendars additional bills or resolutions not requested by the sponsors if, in the opinion of such officers, a reasonable number of measures has not been set for hearing. The standing committee shall ~~publish~~ ELECTRONICALLY TRANSMIT the committee calendar (bills to be heard) for its next regularly scheduled meeting TO THE CHIEF CLERK'S OFFICE as early as practicable but not later than 3:00 a.m. (CST) ~~on the Thursday prior to the regularly scheduled meeting~~ and 4:30 P.M. (CST) ON THE SAME DAY. THE CLERK'S OFFICE SHALL PUBLISH THESE CALENDARS AS EARLY AS POSSIBLE ON THE DAY FOLLOWING SO THAT the sponsor of each bill or resolution scheduled for hearing shall be notified.

These notice provisionS shall not apply to a bill or resolution transmitted by a standing committee to the Finance, Ways and Means Committee or the Committee on Calendar and Rules for recommendation.

(13) A standing committee chair may create such continuing or ad hoc subcommittees as the chair considers necessary and appropriate to deal with designated subjects within the scope of the subject jurisdiction of the committee. BUT THERE SHALL BE NO MORE THAN FOUR STANDING SUBCOMMITTEES IN EACH STANDING COMMITTEE. NO AD HOC COMMITTEE SHALL HAVE THE POWER TO KILL A BILL. The committee chair shall appoint members to any subcommittee so authorized and shall name the chair thereof.

A subcommittee of a standing committee shall have authority to consider only such bills, resolutions, or subjects as may be assigned to it by the standing committee which created it. Such a subcommittee shall report only to the standing committee chair unless directed otherwise by the House. No subcommittee may meet while the standing committee of which it is a part is in session without the consent of the standing committee.

If the chair of a standing committee deems it appropriate after advising with the vice chair and secretary, to assign a bill to a subcommittee, said bill must be assigned to such subcommittee within five (5) legislative days after its passage on second consideration and referral to standing committee, or following the receipt of a fiscal note if said bill is referred to the committee on finance, ways and means unless otherwise provided by law.

If the chair of a standing committee deems it appropriate, after advising with the vice chair and secretary, to assign a bill or resolution which has been referred to it after recommendation for passage by another standing committee to a subcommittee, said bill must be assigned to such subcommittee within seven (7) calendar days of its receipt.

When a bill or resolution is assigned to a subcommittee by the chair of a standing committee, the subcommittee chair, the sponsor, the chief clerk, and the director of legislative services shall be

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~~Given notice~~ **NOTIFIED ELECTRONICALLY** by the chair of the assignment, of said bill, the date of assignment, and the name of the subcommittee.

The request of the sponsor for a bill or resolution to be heard by a committee or subcommittee shall be filed with the standing committee. The chair of the standing committee shall **ELECTRONICALLY** notify the chair of the subcommittee that the sponsor has requested the bill or resolution to be heard. The chair of said subcommittee shall set and publish the date and the calendar of bills to be heard and shall ~~so~~ **ELECTRONICALLY AND BY PRINTER CALENDAR** notify the sponsor of bills or resolutions to be heard, the chief clerk, and the director of the office of legislative services.

The chair of the standing committee or the subcommittee shall provide copies of the calendar and **ELECTRONIC** notice of bills to be heard to the chief clerk and the director of legislative services.

~~A written~~ **AN ELECTRONIC** report of the action taken by a subcommittee on each bill or resolution which it considers shall be prepared by the chair of said subcommittee and submitted to the chair of the standing committee, the chief clerk, and the director of the office of legislative services.

When a bill or resolution is reported from a subcommittee, said bill or resolution shall be placed by the chair of the standing committee on the calendar of the next scheduled meeting of the standing committee unless the sponsor of said bill or resolution requests in writing that the chair of the standing committee set another hearing date.

(17) **IF A MEMBER OF A STANDING COMMITTEE WILL BE UNABLE TO ATTEND SAID MEETING, THAT MEMBER SHALL REQUEST AN EXCUSED ABSENCE FROM THE CHAIR.** If any appointed member of a standing committee is absent from ~~three (3) consecutive~~ **TWO (2)** regularly scheduled meetings of the committee without being excused by the chair, the chair shall report such absences to the Speaker of the House.

RESPECTFULLY SUBMITTED,

Rep. Bill Purcell, Majority Leader
Chairman
Don Ridgeway, Maj. Caucus Chm.
Matt Kisber
Joe Bell
Lois DeBerry, Speaker Pro Tem
Clarence W. (Pete) Phillips
Brenda Kaye Turner (Hamilton)

John Chiles, Minority Leader
Shirley Duer, Min. Caucus Chm.
Ronald Earl Davis
David Y. Copeland
Alan Hubbard
Floyd H. Crain
Jimmy Naifeh, Speaker

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
January 28, 1991**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative

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delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 7, 10, 65 and 150.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
January 28, 1991**

MR. SPEAKER: The officers of your Calendar and Rules Committee reports that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Thursday, January 31, 1991**: House Bill(s) No(s). 7, 10, 65 and 150; also, House Joint Resolution(s) No(s). 24 and 26.

PHILLIPS, Chair.

**ENGROSSED BILLS
January 28, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 28; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
January 28, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 28; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**ENGROSSED BILLS
January 28, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 20, 21, 22 and 23; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

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Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, January 30, 1991.

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TUESDAY:

8:00 - 9:00	Calendar and Rules	HHR 16
9:00 - 10:30	Commerce	HHR 16
10:30 - 12:00	Education	HHR 16
12:00 - 1:30	Transportation	HHR 29
12:00 - 1:30	Consumer and Employee Affairs	HHR 30
12:00 - 1:30	Agriculture	HHR 31
1:30 - 3:00	Finance, Ways and Means	HHR 16
3:00 - 4:30	State and Local Government	HHR 31
3:00 - 4:30	Government Operations	HHR 30

WEDNESDAY:

8:00 - 9:00	Calendar and Rules	HHR 16
9:00 - 10:30	Health and Human Resources	HHR 16
10:30 - 12:00	Conservation and Environment	HHR 16
10:30 - 12:00	Judiciary	HHR 31
2:00	SESSION	

THURSDAY:

8:00 - 9:00	Calendar and Rules	HHR 16
9:00	SESSION	

COMMUNICATIONS

January 25, 1991

Mr. Larry Cole
Chief Clerk
House of Representatives
Nashville, TN 37219

RE: Amendments to the Tennessee Rules of Appellate Procedure

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Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Joint Resolution No. 0020 -- Memorials, Sports -- Knoxville Central High School football team.

House Joint Resolution No. 0021 -- Memorials, Sports -- Powell High School football team.

House Joint Resolution No. 0022 -- Memorials, Public Service -- Ralph Yelton, Tennessee Distinguished Service Medal.

House Joint Resolution No. 0023 -- Memorials, Professional and Business Achievement -- Tennessee Baptist Children's Home, Inc., Centennial.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, with the request that all members voting aye on House Joint Resolution No. 22 be added as sponsors, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry,

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Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Robinson (Davidson) moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 3 can be heard by the Transportation Committee on Tuesday, January 29, 1991, which motion prevailed.

RULES SUSPENDED

Rep. Robinson (Davidson) moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 4 can be heard by the Transportation Committee on Tuesday, January 29, 1991, which motion prevailed.

RULES SUSPENDED

Rep. Robinson (Davidson) moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 5 can be heard by the Transportation Committee on Tuesday, January 29, 1991, which motion prevailed.

ANNOUNCEMENTS

Mr. Speaker Naifeh announced the following tentative House Schedule:

**TENTATIVE HOUSE COMMITTEE/SESSION SCHEDULE
1991/1992 Session**

MONDAY:

5:00

SESSION

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15, 16, 17, 19, 20, 21, 22, 23, 32, 48, 49 and 50; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED
January 24, 1991

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, 19, 20, 21, 22, 23, 32, 48, 49 and 50.

JOURNAL CORRECTION

Members appointed to the Select Committee on Rules (p.16) should be listed as follows: Representatives Purcell, Chair; Bell, DeBerry, Phillips, Kisber, Ridgeway, Turner (Hamilton), Crain, Chiles, Duer, Copeland, Hubbard and Davis (Cocke).

JOURNAL CORRECTION

House Bill No. 99 (pg. 83) description should be as follows:

House Bill No. 0099 -- Zoning -- Increases penalty for violating zoning ordinances from Class C to Class B misdemeanor. Amends TCA, Title 13.

House Bill No. 115 (pg. 85) description should be as follows:

House Bill No. 0115 -- Civil Procedure -- Increases from Class C to Class B misdemeanor failure to endorse executions or enter executions on docket. Amends TCA, Title 26.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 28 out of order, which motion prevailed.

House Joint Resolution No. 0028 -- General Assembly, Joint Conventions -- State-of-the-state address, January 31, 1991. by *Purcell, *Chiles.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, the resolution was adopted by the following vote:

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Dear Mr. Cole:

Pursuant to TCA 16-3-404, I am enclosing a certified copy of an order entered today by the Supreme Court, amending the Rules of Appellate Practice. We hope that this order will meet with the approval of the House.

Thank you for your attention to this matter. If there are any questions, please let me know.

Sincerely,
/s/Lyle Reid
Chief Justice

January 25, 1991

Mr. Larry Cole
Chief Clerk
House of Representatives
Nashville, TN 37219

RE: Amendments to the Tennessee Rules of Evidence

Dear Mr. Cole:

Pursuant to TCA 16-3-404, I am enclosing a certified copy of an order entered today by the Supreme Court, amending the Rules of Evidence. We hope that this order will meet with the approval of the House.

Thank you for your attention to this matter. If there are any questions, please let me know.

Sincerely,
/s/Lyle Reid
Chief Justice

January 25, 1991

Mr. Larry Cole
Chief Clerk
House of Representatives
Nashville, TN 37219

RE: Amendments to the Tennessee Rules of Criminal Procedure

Dear Mr. Cole:

Pursuant to TCA 16-3-404, I am enclosing a certified copy of an order entered today by the Supreme Court, amending the Rules of Criminal Procedure. We hope that this order will meet with the approval of the House.

MONDAY, JANUARY 28, 1991 -- SECOND LEGISLATIVE DAY

Thank you for your attention to this matter. If there are any questions, please let me know.

Sincerely,
/s/Lyle Reid
Chief Justice

January 25, 1991

Mr. Larry Cole
Chief Clerk
House of Representatives
Nashville, TN 37219

RE: Amendments to the Tennessee Rules of Civil Procedure

Dear Mr. Cole:

Pursuant to TCA 16-3-404, I am enclosing a certified copy of an order entered today by the Supreme Court, amending the Rules of Civil Procedure. We hope that this order will meet with the approval of the House.

Thank you for your attention to this matter. If there are any questions, please let me know.

Sincerely,
/s/Lyle Reid
Chief Justice

REPORT FILED

Pursuant to Public Chapter 870 of 1990, the Department of Mental Health and Mental Retardation has submitted its report on the Assessment of Supportive Living Facilities; it is on file in the Clerk's office.

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Joint Resolution No. 0024 -- Memorials, Retirement -- Dan P. Herron, Principal of Gallatin High School. by *Wix, *Stamps.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0025 -- Highway Signs -- Jimmy Mann Evans Highway, U.S. 412. by *Holt.

Referred by the Speaker to the Transportation Committee.